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DRAFT STATUTORY INSTRUMENTS

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**2022 No.**

**The Pharmacy (Responsible Pharmacists,  
Superintendent Pharmacists etc.) Order 2022**

**PART 2**

**Responsible pharmacists and superintendent pharmacists**

**Superintendent pharmacists**

- 6.—(1) In section 71 of the 1968 Act<sup>(1)</sup> (business carried on by body corporate)—
- (a) in subsection (1), for paragraph (a) (and the following “and”), substitute the following paragraph—
    - “(a) that there is a superintendent in relation to the retail pharmacy business in respect of whom the requirements specified in subsection (6) are fulfilled, and”;
  - (b) in subsection (6)—
    - (i) after paragraph (a), insert the following paragraph—
      - “(aa) he is a senior manager of the retail pharmacy business who has the authority to make decisions that affect the running of the retail pharmacy business so far as concerns—
        - (i) the retail sale of medicinal products (whether they are on a general sale list or not), and
        - (ii) the supply of such products in circumstances corresponding to retail sale,
    - and”;
    - (ii) in paragraph (b), omit “and stating whether he is a member of the board of that body or not”, and omit “, and” at the end of the paragraph, and
    - (iii) omit paragraph (c);
  - (c) before subsection (8), insert the following subsection—
    - “(7A) For the purposes of subsection (6)(aa), a person is a senior manager of a retail pharmacy business if the person plays a significant role (irrespective of whether other individuals also do so) in—
      - (a) the making of decisions about how the whole or a substantial part of its activities are to be managed or organised, or
      - (b) the actual managing or organising of the whole or a substantial part of those activities.”;
  - (d) in subsection (8)—

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<sup>(1)</sup> Section 71 was substituted by the Health Act 2006 (c. 28), section 28, and then amended by S.I. 2010/231, 2011/2647 and 2019/593.

- (i) for the words from “If a person” to “ceases to do so” substitute “If a person who has been the superintendent in relation to a retail pharmacy business ceases to be the superintendent in relation to the business”, and
  - (ii) for “manage the business” substitute “be the superintendent in relation to the business”; and
  - (e) omit subsection (9).
- (2) After section 72A of the 1968 Act (the responsible pharmacist) insert the following section—

**“The superintendent**

**72AA.** It is the duty of the superintendent in relation to a retail pharmacy business to secure that the business is at all times carried on in ways that ensure its safe and effective running so far as concerns—

- (a) the retail sale of medicinal products (whether they are on a general sale list or not), and
  - (b) the supply of such products in circumstances corresponding to retail sale.”
- (3) In section 78 of the 1968 Act(2) (restrictions on use of titles, descriptions and emblems), in subsection (3)(b), omit the words from “, and that the pharmacist who” to “body corporate”.

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(2) Section 78 was amended by the Statute Law (Repeals) Act 1993 (c. 50), Schedule 1(12), paragraph 1, the Health Act 2006 (c. 28), section 27, and S.I. 2010/231 and 2019/593.